

REMARKS

This response is submitted in response to the Office Action mailed on February 25, 2004. The Office Action is a restriction requirement requiring Applicants to elect between two alleged groups of invention: Group I (Claims 1-3, and 5-6), and Group II (Claims 4, and 7-15). Applicants traverse this restriction requirement on the basis that it is not properly formatted. In this regard, Group I allegedly is the set of claims drawn to a method of protecting *Lactobacillus johnsonii* La1 against stress wherein Group II is drawn to lactic acid bacteria which has been subjected to stress. However, Group II allegedly includes Claims 11-15 that specifically claim "a *Lactobacillus johnsonii* La1 that is protected against heat stress..." Accordingly, Claims 11-15 should be included in Group I. Assuming the Patent Office agrees, Applicants elect Group I and therefore elect to prosecute Claims 1-3, 5-6, and 11-15.

Respectfully submitted,

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